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By: **Senator Stone (Chairman, Ethics and Election Law Subcommittee)**

Introduced and read first time: January 30, 2003

Assigned to: Education, Health, and Environmental Affairs

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 12, 2003

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Election Law - Presidential Election Procedures - Deadlines**

3 FOR the purpose of altering certain deadlines and procedures relating to certain  
4 candidates as presidential or vice presidential nominees; altering the  
5 withdrawal deadline for certain candidates; altering the deadline for naming a  
6 replacement candidate for a presidential delegate; specifying a period in which a  
7 petition candidate may file as a presidential nominee; specifying a date prior to  
8 a general election by which a political party must certify its presidential electors  
9 to the State Board; altering the dates by which the State Board must certify the  
10 content and arrangement of the primary ballot in the year of a presidential  
11 election; and generally relating to certain procedures, deadlines, and  
12 requirements relating to the presidential election process.

13 BY repealing and reenacting, with amendments,  
14 Article - Election Law  
15 Section 5-301, 5-502, 8-501 through 8-503, and 9-207  
16 Annotated Code of Maryland  
17 (2003 Volume)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article - Election Law**

21 5-301.

22 (a) An individual may become a candidate for a public or party office only if:

1 (1) the individual files a certificate of candidacy in accordance with this  
2 subtitle; and

3 (2) the individual does not file a certificate of withdrawal under Subtitle  
4 5 of this title.

5 (b) The appropriate board shall determine whether an individual filing a  
6 certificate of candidacy meets the requirements of this article, including:

7 (1) the voter registration and party affiliation requirements under  
8 Subtitle 2 of this title; and

9 (2) the campaign finance reporting requirements under Title 13 of this  
10 article.

11 (c) (1) On the certificate of candidacy, a candidate shall designate how the  
12 candidate's name is to appear on the ballot.

13 (2) Except as provided in paragraph (3) of this subsection, a candidate  
14 shall file a certificate of candidacy in which the candidate lists any given name, an  
15 initial letter of any other given name, and surname.

16 (3) A candidate may file a certificate of candidacy in a name different  
17 than that specified under paragraph (2) of this subsection if the candidate files an  
18 affidavit, under penalties of perjury, attesting that the candidate is generally known  
19 by that other name in:

20 (i) press accounts concerning the candidate, if any; or

21 (ii) if press accounts do not exist, the candidate's everyday  
22 encounters with members of the community.

23 (4) Except for the use of quotation marks to enclose a portion of a name,  
24 the use of symbols, titles, degrees, or other professional designations on a certificate  
25 of candidacy is prohibited.

26 (d) A candidate who seeks nomination by petition shall file a certificate of  
27 candidacy as provided in § 5-703 of this title.

28 (e) A write-in candidate shall file a certificate of candidacy as provided under  
29 this subtitle.

30 (f) (1) (i) On or before August 31 in the year in which a judge of the Court  
31 of Appeals must stand for continuance in office, the Clerk of the Court of Appeals  
32 shall provide written notice to the State Board of the name of the judge that is to be  
33 placed on the ballot at the next succeeding general election together with the  
34 identification of the judicial circuit from which the qualified voters of that circuit may  
35 cast a vote for the judge's continuance in office.

1 (ii) On or before August 31 in the year in which a judge of the Court  
2 of Special Appeals must stand for continuance in office, the Clerk of the Court of  
3 Special Appeals shall provide written notice to the State Board of the name of the  
4 judge that is to be placed on the ballot at the next succeeding general election  
5 together with:

6 1. the identification of the judicial circuit from which the  
7 qualified voters of that circuit may cast a vote for the judge's continuance in office; or

8 2. a statement that the voters of the entire State may cast a  
9 vote for the judge's continuance in office.

10 (2) An incumbent judge of the Court of Appeals or Court of Special  
11 Appeals is not required to file a certificate of candidacy for an election for continuance  
12 in office.

13 (g) (1) A candidate for President or Vice President of the United States  
14 nominated by a national party convention is not required to file a certificate of  
15 candidacy under this section.

16 (2) ON OR BEFORE AUGUST 31 IN THE YEAR IN WHICH THE PRESIDENT  
17 OF THE UNITED STATES IS ELECTED, THE PRESIDING OFFICER OF THE NATIONAL  
18 PARTY CONVENTION SHALL PROVIDE WRITTEN NOTICE TO THE STATE BOARD OF  
19 THE NAME AND ADDRESS OF THE PRESIDENTIAL AND VICE PRESIDENTIAL  
20 NOMINEES TO BE PLACED ON THE BALLOT AT THE NEXT SUCCEEDING GENERAL  
21 ELECTION.

22 (3) IF MORE THAN ONE WRITTEN NOTICE NAMING DIFFERENT  
23 PRESIDENTIAL AND VICE PRESIDENTIAL NOMINEES IS PROVIDED TO THE STATE  
24 BOARD BY PERSONS PURPORTING TO BE THE PRESIDING OFFICER OF THE SAME  
25 PARTY CONVENTION, THE STATE BOARD SHALL REQUIRE THE CHAIRMAN OF THE  
26 STATE PARTY TO PROVIDE WRITTEN REAFFIRMATION OF THE PARTY'S NOMINEES  
27 WITHIN 5 DAYS AFTER THE STATE BOARD'S DEMAND.

28 5-502.

29 (a) Subject to § 5-402 of this title, an individual who has filed a certificate of  
30 candidacy may withdraw the candidacy by filing a certificate of withdrawal on the  
31 form prescribed by the State Board within 10 days after the filing date established  
32 under § 5-303 of this title.

33 (B) AN INDIVIDUAL WHO HAS FILED A CERTIFICATE OF CANDIDACY AND A  
34 PETITION IN ACCORDANCE WITH § 8-502(D)(1)(I) OF THIS ARTICLE, OR A CANDIDATE  
35 FOR DELEGATE TO THE DEMOCRATIC NATIONAL CONVENTION SUBJECT TO §  
36 5-303(A)(2) OF THIS TITLE, MAY WITHDRAW THE CANDIDACY BY FILING A  
37 CERTIFICATE OF WITHDRAWAL ON THE FORM PRESCRIBED BY THE STATE BOARD  
38 WITHIN 5 ~~4~~ DAYS AFTER THE FILING DATE ESTABLISHED UNDER § 5-303 OF THIS  
39 TITLE.

1 [(b)] (C) An individual who has filed a certificate of candidacy for the special  
2 election to fill a vacancy for Representative in Congress may withdraw the certificate  
3 on the prescribed form within 2 days after the filing date established in the  
4 proclamation issued by the Governor.

5 8-501.

6 (a) Delegates and alternate delegates to the national presidential nominating  
7 convention of a political party shall be selected as provided in the national party rules  
8 of the party.

9 (b) The State central committee of each political party shall certify to the  
10 State Board, not later than January 1 in the year of the election:

11 (1) the number of delegates and alternate delegates to be selected in the  
12 State and the mode or modes of selection; and

13 (2) in the case of a principal political party:

14 (i) if delegates are to be elected by district, the number of delegates  
15 to be elected from each district;

16 (ii) provisions for placing on the ballot the name of a presidential  
17 candidate, or the word "uncommitted", adjacent to the name of each candidate for  
18 delegate; [and]

19 (III) PROVISIONS FOR HOW, IF A CANDIDATE FOR DELEGATE  
20 WITHDRAWS IN ACCORDANCE WITH § 5-502(B) OF THIS ARTICLE AND THE  
21 WITHDRAWING CANDIDATE'S NAME WOULD HAVE APPEARED ON THE BALLOT  
22 ADJACENT TO THE NAME OF A PRESIDENTIAL CANDIDATE, THAT PRESIDENTIAL  
23 CANDIDATE WILL DESIGNATE A REPLACEMENT CANDIDATE FOR DELEGATE NO  
24 LATER THAN 2 DAYS AFTER THE DEADLINE ESTABLISHED IN § 5-502(B) OF THIS  
25 ARTICLE; AND

26 [(iii)] (IV) any other provisions of the national party rules of the  
27 party that relate to the election of delegates or alternate delegates at the primary  
28 election.

29 8-502.

30 (a) This section applies to the placement on the ballot in the primary election  
31 of the names of individuals who are candidates for nomination by principal political  
32 parties to the office of President of the United States.

33 (b) An individual who desires to run in the primary election may be placed on  
34 the ballot only:

35 (1) by direction of the Secretary of State in accordance with subsection  
36 (c) of this section; or

1 (2) by filing, in accordance with subsection (d) of this section, a petition  
2 containing the signatures of at least 400 registered voters from each congressional  
3 district in the State.

4 (c) (1) (i) Except as provided in subparagraph (ii) of this paragraph, the  
5 Secretary of State shall certify to the State Board the names of candidates for  
6 nomination by a principal political party during the period beginning 90 days before  
7 the primary election and ending [70] 80 days before the primary election.

8 (ii) The Secretary of State shall certify to the State Board the  
9 names of candidates for the Democratic Party nomination on the first business day in  
10 the year of the election.

11 (2) The Secretary of State shall certify the name of a presidential  
12 candidate on the ballot when the Secretary has determined, in the Secretary's sole  
13 discretion and consistent with party rules, that the candidate's candidacy is generally  
14 advocated or recognized in the news media throughout the United States or in  
15 Maryland, unless the candidate executes and files with the Secretary of State an  
16 affidavit stating without qualification that the candidate is not and does not intend to  
17 become a candidate for the office in the Maryland primary election.

18 (d) [(1)] A candidate who seeks to be placed on the ballot by the petition  
19 process specified in subsection (b)(2) of this section shall file the petition, in the form  
20 prescribed by the State Board, as follows:

21 [(i)] (1) for candidates for the nomination of the Democratic Party,  
22 not later than [9] 5 p.m. on the day that is 1 week later than the first business day of  
23 the year of the election; and

24 [(ii)] (2) for candidates for the nomination of any other principal  
25 political party, at least 70 days before the day of the election.

26 [(2)] A petition filed under this section is not subject to Title 4 or Title 5 of  
27 this article.]

28 (e) The State Board shall establish a procedure for the Democratic  
29 presidential primary through which votes may be cast as uncommitted to any  
30 presidential candidate.

31 (f) The names of the candidates for President qualifying under this section  
32 shall be certified to the local boards by the State Board and shall be printed on all  
33 ballots used for the primary election.

34 8-503.

35 (a) Each political party shall nominate or provide for the nomination of  
36 candidates for presidential elector of the party in accordance with party rules.

37 (b) The number of candidates nominated by each political party shall be the  
38 number that this State is entitled to elect.

1 (c) (1) The names of individuals nominated as candidates for presidential  
2 elector by a political party shall be certified to the State Board by the presiding  
3 officers of the political party.

4 (2) The names of individuals nominated as candidates for presidential  
5 elector by a candidate for President of the United States who is nominated by petition  
6 shall be certified to the State Board by the candidate on a form prescribed by the  
7 State Board.

8 (3) THE ELECTORS SHALL BE CERTIFIED TO THE STATE BOARD AT  
9 LEAST 30 DAYS BEFORE THE GENERAL ELECTION.

10 9-207.

11 (a) The State Board shall certify the content and arrangement of each ballot:

12 (1) for a primary election[,]:

13 (I) IN THE YEAR THAT THE PRESIDENT OF THE UNITED STATES IS  
14 ELECTED, AT LEAST ~~40~~ 42 DAYS BEFORE THE ELECTION; AND

15 (II) IN ANY OTHER YEAR, at least 50 days before the election;

16 (2) for a general election:

17 (i) in the year that the President of the United States is elected, at  
18 least 55 days before the election; and

19 (ii) in any other year, not more than 18 days after the primary  
20 election;

21 (3) for a special primary election, at least 18 days before the election; and

22 (4) for a special general election, not later than a date specified in the  
23 Governor's proclamation.

24 (b) The Court of Appeals, on petition of the State Board, may establish a later  
25 date in extraordinary circumstances.

26 (c) Within 48 hours after certification, the State Board shall deliver to each  
27 local board a copy of the certified ballot content and arrangement for that county.

28 (d) (1) Within 5 days after the certification, or a later date that the Court of  
29 Appeals establishes in extraordinary circumstances on petition of the State Board, a  
30 local board shall:

31 (i) prepare the arrangement for all ballots to be used in the county,  
32 using the arrangement prescribed by the State Board; and

1                   (ii)       display the content and arrangement, in a manner that is  
2 accessible to the public, on all days that the office is open through the day of the  
3 election.

4                   (2)       Except pursuant to a court order under § 9-209 of this subtitle, or as  
5 provided in § 9-208 of this subtitle, the content and arrangement of the ballot may  
6 not be modified after the third day of the public display.

7                   (e)       Unless a delay is required by court order, a local board may begin to print  
8 the ballots after 3 days of public display and, with the approval of the State Board,  
9 correction of any noted errors.

10       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
11 October 1, 2003.